

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)	
TRITEL COMMUNICATIONS, INC. AND TRITEL)	
FINANCE, INC. FOR ISSUANCE OF A CERTIFICATE OF)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY TO)	99-455-UAC
CONSTRUCT A WIRELESS COMMUNICATIONS)	
FACILITY AT 2040 MORRIS DRIVE, BEREA, KY 40403)	
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)	
IN THE COMMONWEALTH OF KENTUCKY)	
IN THE COUNTY OF MADISON)	
SITE NAME: PEGGY FLATS)	
SITE NUMBER: 252-003)	

O R D E R

On November 18, 1999, Crown Communication Inc. ("Crown"), as ultimate owner, and Tritel Communications, Inc. and Tritel Finance, Inc. filed an application seeking a Certificate of Public Convenience and Necessity to build a wireless telecommunications tower for the Louisville Major Trading Area ("MTA"). Crown has requested authorization to construct a cell site in Madison County and Tritel has provided evidence that the public convenience and necessity will be served by the proposed construction.

The proposed cell site is to be located at 2040 Morris Drive, Berea, Madison County, Kentucky ("the Peggy Flats site"). The coordinates for the Peggy Flats site are North Latitude 37° 35' 48.89" by West Longitude 84° 19' 23.49".

Crown has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Peggy Flats site. Based upon the

application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to KRS 100.987(2), Crown has submitted the uniform application to the Planning Commission for the City of Berea and as no response has been filed with the Commission, pursuant to KRS 100.987(4)(c), the application is deemed approved. Crown has filed applications with the Federal Aviation Administration (“FAA”) and the Kentucky Airport Zoning Commission (“KAZC”) for the construction and operation of the Peggy Flats site. Both applications are pending.

Crown has filed notices verifying that each person who owns property within 500 feet of the Peggy Flats site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Crown should notify the Commission if it does not use this antenna tower to provide radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Crown should be granted a Certificate of Public Convenience and Necessity to construct and operate the Peggy Flats cell site in the Louisville MTA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct the Peggy Flats site.
2. Crown shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this cell site construction within 10 days of receiving the decisions.
3. Crown shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 25th day of February, 2000.

By the Commission

ATTEST:

Executive Director